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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-814

13 **JOMO KENYA ROBINSON, AKA JOMO**  
14 **KENYATTA ROBINSON**

10369 Rock Street  
Mentone, CA 92359

**ACCUSATION**

15 Registered Nurse License No. 627040

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs (Board).

23 2. On or about September 29, 2003, the Board of Registered Nursing issued Registered  
24 Nurse License No. 627040 to Jomo Kenya Robinson, aka Jomo Kenyatta Robinson (Respondent).  
25 The Registered Nurse License was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on August 31, 2013, unless renewed.

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1 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
2 division, from taking disciplinary action against a licensee or from denying a license for  
3 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
4 record pertaining to an arrest.

5 "This section shall not be construed to apply to any drug diversion program operated by any  
6 agency established under Division 2 (commencing with Section 500) of this code, or any  
7 initiative act referred to in that division."

8 7. Section 2750 states, in pertinent part, that the Board may discipline any licensee,  
9 including a licensee holding a temporary or an inactive license, for any reason provided in Article  
10 3 (commencing with section 2750) of the Nursing Practice Act.

11 8. Section 2761 states, in pertinent part:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an  
13 application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ....

16 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
17 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
18 Act] or regulations adopted pursuant to it.

19 ....

20 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
21 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
22 conclusive evidence thereof. . . ."

23 9. Section 2762 states, in pertinent part:

24 "In addition to other acts constituting unprofessional conduct within the meaning of this  
25 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
26 chapter to do any of the following:

27 ....

28 "(b) Use any controlled substance as defined in Division 10 (commencing with Section

1 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
2 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
3 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
4 ability to conduct with safety to the public the practice authorized by his or her license.

5 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
6 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
7 or the possession of, or falsification of a record pertaining to, the substances described in  
8 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
9 thereof."

10 10. Section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of the  
12 Board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the  
13 Board jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
14 against the license, or to render a decision suspending or revoking such license."

15 11. Section 2765 states:

16 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
17 charge substantially related to the qualifications, functions and duties of a registered nurse is  
18 deemed to be a conviction within the meaning of this article. The board may order the license or  
19 certificate suspended or revoked, or may decline to issue a license or certificate, when the time  
20 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
21 order granting probation is made suspending the imposition of sentence, irrespective of a  
22 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person  
23 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
24 of guilty, or dismissing the accusation, information or indictment."

### 25 REGULATORY PROVISIONS

26 12. California Code of Regulations, title 16, section 1444, states, in pertinent part:

27 "A conviction or act shall be considered to be substantially related to the qualifications,  
28 functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
2 safety, or welfare. . . ."

### 3 COST RECOVERY

4 13. Section 125.3 states, in pertinent part, that the Board may request the administrative  
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
7 case.

### 8 FIRST CAUSE FOR DISCIPLINE

#### 9 (Conviction of a Substantially-Related Crime)

10 14. Respondent is subject to disciplinary action under sections 490, 2761, subdivision (f),  
11 in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was  
12 convicted of a crime substantially related to the qualifications, functions, or duties of a registered  
13 nurse which to a substantial degree evidences his present or potential unfitness to practice in a  
14 manner consistent with the public health, safety, or welfare, as follows:

15 a. On or about October 11, 2011, after pleading *guilty*, Respondent was convicted of one  
16 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while  
17 having 0.08%, or more, by weight, of alcohol in his blood], in the criminal proceeding entitled  
18 *The People of the State of California v. Jomo K. Robinson* (Super. Ct. San Bernardino County,  
19 2011, No. TSB1102616). The court sentenced Respondent to serve 2 days in jail, required  
20 completion of a first offender alcohol program, placed him on probation for a period of 36  
21 months, and fined him.

22 b. The circumstances surrounding the conviction are that on or about July 4, 2011, a San  
23 Bernardino Highway Patrol Officer, and San Bernardino Police Officers responded to a dispatch  
24 involving a traffic collision on the highway. The officers made contact with the driver of the  
25 vehicle and identified Respondent as being the driver of the vehicle at the time of the collision  
26 and the registered owner of the vehicle. The officers observed Respondent to be unsteady on his  
27 feet, have an odor of an alcoholic beverage coming from his breath and person, have slurred  
28 speech, and bloodshot watery eyes. Respondent admitted to having had a glass of wine that day.

1 Respondent agreed to a series of field sobriety tests, which he failed to complete satisfactorily.  
2 Respondent subsequently provided two blood samples with results of .126% BAC and .117%  
3 BAC.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Alcohol Related Conviction)**

6 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a),  
7 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about October 11,  
8 2011, Respondent was convicted of a crime involving an alcoholic beverage. Complainant refers  
9 to, and by this reference incorporates, the allegations set forth above in paragraph 14,  
10 subparagraphs (a) and (b), inclusive, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Dangerous Use of Alcohol)**

13 16. Respondent is subject to disciplinary action under section 2762, subdivision (b), on  
14 the grounds of unprofessional conduct, in that Respondent used alcohol to an extent or in a  
15 manner dangerous or injurious to himself, any other person, or the public, or to the extent that  
16 such use impairs his ability to conduct with safety to the public the practice authorized by his  
17 license as follows:

18 a. On or about February 26, 2010, Respondent was found to be under the influence of  
19 alcohol and was displaying disorderly conduct in San Manuel Casino, a public place. Respondent  
20 was arrested for violating Penal Code section 647, subdivision (f) (public intoxication).

21 b. Complainant refers to, and by this reference incorporates, the allegations set forth  
22 above in paragraphs 14 through 16, inclusive, as though set forth fully.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violation of Nursing Practice Act)**

25 17. Respondent is subject to disciplinary action under sections 2750 and 2761,  
26 subdivision (a) and / or (d), on the grounds of unprofessional conduct, in that Respondent was  
27 convicted of a crime and committed acts that were in violation of the Nursing Practice Act.  
28 Complainant refers to, and by this reference incorporates, the allegations set forth above in

1 paragraphs 14 through 16, inclusive, as though set forth fully.

2 **ADDITIONAL DISCIPLINARY CONSIDERATIONS**

3 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
4 Complainant alleges the following:

5 a. On or about June 18, 2003, a Stipulated Settlement and Disciplinary Order was  
6 adopted by the Board, and became effective on July 18, 2003, wherein Respondent was issued a  
7 probationary license for a period of three (3) years under certain terms and conditions.

8 b. The facts and circumstances of the disciplinary action involved several criminal  
9 convictions that are generally described below:

10 i. On or about May 22, 2001, after pleading *guilty*, Respondent was convicted of one  
11 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving while under  
12 the influence of alcohol and / or drugs], in the criminal proceeding entitled *The People of the*  
13 *State of California v. Jomo K. Robinson* (Super. Ct. Riverside County, 2000, No. RIM400996).  
14 The court sentenced Respondent to serve 120 days in jail, placed him on probation for a period of  
15 60 months, and fined him. The circumstances surrounding the conviction are that on or about  
16 September 18, 2000, Respondent was determined to be driving while being under the influence of  
17 alcohol and / or drugs.

18 ii. On or about January 21, 1998, after pleading *guilty*, Respondent was convicted of one  
19 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving while under  
20 the influence of alcohol and / or drugs], in the criminal proceeding entitled *The People of the*  
21 *State of California v. Jomo K. Robinson* (Super. Ct. San Bernardino County, 1997, No.  
22 FVA08779). The court sentenced Respondent to serve 60 days in jail, placed him probation for a  
23 period of 3 years, and fined him. The circumstances surrounding the conviction are that on or  
24 about December 03, 1997, Respondent was found to be driving while under the influence of  
25 alcohol and / or drugs.

26 iii. On or about October 31, 1995, Respondent was convicted by the Court on a plea of  
27 *guilty* of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)  
28 [driving while under the influence of alcohol and / or drugs], in the criminal proceeding entitled

1 *The People of the State of California v. Jomo K. Robinson* (Super. Ct. of Riverside County, 1995,  
2 No. 330346). The circumstances surrounding the conviction are that on or about September 17,  
3 1995, Respondent was determined to be driving while under the influence of alcohol and / or  
4 drugs.

5 **PRAYER**

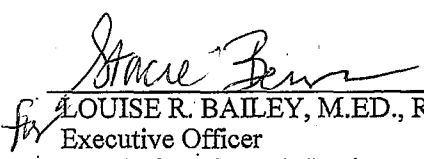
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board issue a decision:

8 1. Revoking or suspending Registered Nurse License No. 627040, issued to Jomo  
9 Kenya Robinson, aka Jomo Kenyatta Robinson;

10 2. Ordering Jomo Kenya Robinson to pay the Board the reasonable costs of the  
11 investigation and enforcement of this case, pursuant to Business and Professions Code section  
12 125.3; and

13 3. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: MARCH 26, 2013

16   
17 LOUISE R. BAILEY, M.ED., RN  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

JOMO KENYATTA ROBINSON  
2055 N. Central Avenue, #14E  
Highland, CA 92346

Respondent.

Case No. 2003-114

OAH No.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 18, 2003.

It is so ORDERED June 18, 2003.

*Sandra L. Erickson*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
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In the Matter of the Statement of Issues Against:

JOMO KENYATTA ROBINSON  
2055 N. Central Avenue, #14E  
Highland, CA 92346

Respondent.

Case No. 2003-114

OAH No.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibilities of the Board of Registered Nursing ("Board"), the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Statement of Issues.

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney General.

2. Jomo Kenyatta Robinson (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

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1 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
2 compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint  
3 fees within 45 days of the effective date of the decision, unless previously submitted as part of  
4 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of  
5 himself or herself within 45 days of the effective date of the final decision.

6           3.     **Comply with Probation Program.** Respondent shall fully comply with  
7 the terms and conditions of the Probation Program established by the Board and cooperate with  
8 representatives of the Board in its monitoring and investigation of Respondent's compliance with  
9 the Probation Program. Respondent shall inform the Board in writing within no more than 15  
10 days of any address change and shall at all times maintain an active, current license status with  
11 the Board, including during any period of suspension.

12           4.     **Report in Person.** Respondent, during the period of probation, shall appear  
13 in person at interviews/meetings as directed by the Board or its designated representatives.

14           5.     **Residency or Practice Outside of State.** Periods of residency or practice  
15 as a registered nurse outside of California will not apply to the reduction of this probationary  
16 term. Respondent must provide written notice to the Board within 15 days of any change of  
17 residency or practice outside the state.

18           6.     **Submit Written Reports.** Respondent, during the period of probation,  
19 shall submit or cause to be submitted such written reports/declarations and verification of actions  
20 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
21 statements relative to Respondent's compliance with all the terms and conditions of the Board's  
22 Probation Program. Respondent shall immediately execute all release of information forms as  
23 may be required by the Board or its representatives.

24           7.     **Provide Decision -** Respondent shall provide a copy of this decision to the  
25 nursing regulatory agency in every state and territory in which he has a registered nurse license.

26           8.     **Function as a Registered Nurse.** Respondent, during the period of  
27 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
28 hours per week for 6 consecutive months or as determined by the Board.

1 For purposes of compliance with the section, "engage in the practice of registered  
2 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
3 work in any non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice  
5 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
6 Board.

7 If Respondent has not complied with this condition during the probationary term,  
8 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
9 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
10 grant an extension of Respondent's probation period up to one year without further hearing in  
11 order to comply with this condition.

12 **9. Employment Approval and Reporting Requirements.** Respondent  
13 shall obtain prior approval from the Board before commencing any employment, paid or  
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
15 performance evaluations and other employment related reports as a registered nurse upon request  
16 of the Board.

17 Respondent shall provide a copy of this decision to his employer and immediate  
18 supervisor prior to commencement of any nursing or other health care related employment.

19 Respondent shall notify the Board in writing within seventy-two (72) hours after  
20 he obtains any nursing or other health care related employment, when such employment is not as  
21 a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours  
22 after he is terminated from any registered nursing, other nursing, or other health care related  
23 employment with a full explanation of the circumstances surrounding the termination.

24 **10. Supervision.** Respondent shall obtain prior approval from the Board  
25 regarding Respondent's level of supervision and/or collaboration before commencing any  
26 employment as a registered nurse.

27 Respondent shall practice only under the direct supervision of a registered nurse  
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not  
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is  
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in  
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has  
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health  
12 care setting, the individual providing supervision and/or collaboration shall have person-to-  
13 person communication with Respondent as required by the Board each work day. Respondent  
14 shall maintain telephone or other telecommunication contact with the individual providing  
15 supervision and/or collaboration as required by the Board during each work day. The individual  
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 11. **Employment Limitations.** Respondent shall not work for a nurse's  
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,  
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse  
22 unless the registered nursing supervision and other protections for home visits have been  
23 approved by the Board. Respondent shall not work in any other registered nursing occupation  
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered  
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing

1 or as an instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined  
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the  
5 Board may request documentation to determine whether there should be restrictions on the hours  
6 of work.

7 **12. Complete a Nursing Course(s).** Respondent, at his own expense, shall  
8 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
9 than six months prior to the end of his probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the  
11 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
12 completion for the above required course(s). The Board shall return the original documents to  
13 Respondent after photocopying them for its records.

14 **13. Violation of Probation.** If Respondent violates the conditions of his  
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
16 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
17 license.

18 If during the period of probation, an accusation or petition to revoke probation has  
19 been filed against Respondent's license or the Attorney General's Office has been requested to  
20 prepare an accusation or petition to revoke probation against Respondent's license, the  
21 probationary period shall automatically be extended and shall not expire until the accusation or  
22 petition has been acted upon by the Board. Upon successful completion of probation,  
23 Respondent's license will be fully restored.

24 **14. Physical Examination.** Within 45 days of the effective date of this  
25 decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or  
26 physician assistant, who is approved by the Board before the assessment is performed, submit an  
27 assessment of Respondent's physical condition and capability to perform the duties of a  
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If



1 medically determined, a recommended treatment program will be instituted and followed by  
2 Respondent with the physician, nurse practitioner, or physician assistant providing written  
3 reports to the Board on forms provided by the Board.

4           If Respondent is determined to be unable to practice safely as a registered nurse,  
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
6 immediately notify the Probation Program and Respondent by telephone. Respondent shall  
7 immediately cease practice and shall not resume practice until notified by the Probation Monitor.  
8 During this period of suspension, Respondent shall not engage in any practice for which a license  
9 issued by the Board is required until the Probation Monitor has notified Respondent that a  
10 medical determination permits Respondent to resume practice.

11           **15. Participate in Treatment/Rehabilitation Program for Chemical**  
12 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary  
13 period or shall have successfully completed prior to commencement of probation a Board-  
14 approved treatment/rehabilitation program of at least six months. As required, reports shall be  
15 submitted by the program on forms provided by the Board. If Respondent has not completed a  
16 Board-approved treatment/rehabilitation program prior to commencement of probation,  
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a  
18 program. If a program is not successfully completed within the first nine months of probation,  
19 the Board shall consider Respondent in violation of probation.

20           Based on Probation Program recommendation, each week Respondent shall be  
21 required to attend at least one, but no more than five 12-step recovery meetings or equivalent  
22 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as  
23 approved and directed by the Board. If a nurse support group is not available, an additional 12  
24 step meeting or equivalent shall be added. Respondent shall submit dated and signed  
25 documentation confirming such attendance to the Board during the entire period of probation.  
26 Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation  
27 program or a licensed mental health examiner and/or other ongoing recovery groups.  
28

1                   16.     **Abstain from Use of Psychotropic (Mood-altering) Drugs.** Respondent  
2 shall completely abstain from the possession, injection or consumption by any route of all  
3 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a  
4 health care professional legally authorized to do so and are part of documented medical  
5 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by  
6 the prescribing physician or dentist, a report identifying the medication, dosage, the date the  
7 medication was prescribed, Respondent's prognosis, the date the medication will no longer be  
8 required, and the effect on the recovery plan, if appropriate.

9                   Respondent shall identify for the Board a single physician, nurse practitioner or  
10 physician assistant who shall be aware of Respondent's history of substance abuse and will  
11 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
12 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
13 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
14 condition. If any substances considered addictive have been prescribed, the report shall identify a  
15 program for the time limited use of any such substances.

16                  The Board may require the single coordinating physician, nurse practitioner, or  
17 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
18 addictive medicine.

19                   17.     **Submit to Tests and Samples.** Respondent, at his expense, shall  
20 participate in a random, biological fluid testing or a drug screening program which the Board  
21 approves. The length of time and frequency will be subject to approval by the Board.  
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
23 number at all times. Respondent shall also ensure that messages may be left at the telephone  
24 number when he is not available and ensure that reports are submitted directly by the testing  
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to  
26 the Board by the program and Respondent shall be considered in violation of probation.

27                  In addition, Respondent, at any time during the period of probation, shall fully  
28 cooperate with the Board or any of its representatives, and shall, when requested, submit to such

1 tests and samples as the Board or its representatives may require for the detection of alcohol,  
2 narcotics, hypnotics, dangerous drugs, or other controlled substances.

3           If Respondent has a positive drug screen for any substance not legally authorized  
4 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
5 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
6 from practice pending the final decision on the petition to revoke probation or the accusation.

7           **18. Mental Health Examination.** Respondent shall, within 45 days of the  
8 effective date of this decision, have a mental health examination including psychological testing  
9 as appropriate to determine his capability to perform the duties of a registered nurse. The  
10 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
11 practitioner approved by the Board. The examining mental health practitioner will submit a  
12 written report of that assessment and recommendations to the Board. All costs are the  
13 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
14 result of the mental health examination will be instituted and followed by Respondent.

15           If Respondent is determined to be unable to practice safely as a registered nurse,  
16 the licensed mental health care practitioner making this determination shall immediately notify  
17 the Probation Program and Respondent by telephone. Respondent shall immediately cease  
18 practice and may not resume practice until notified by the Probation Monitor. During this period  
19 of suspension, Respondent shall not engage in any practice for which a license issued by the  
20 Board is required, until the Probation Monitor has notified Respondent that a mental health  
21 determination permits Respondent to resume practice.

22           **19. Therapy or Counseling Program.** Respondent, at his expense, shall  
23 participate in an on-going counseling program until such time as the Board releases him from this  
24 requirement and only upon the recommendation of the counselor. Written progress reports from  
25 the counselor will be required at various intervals.

26           During the suspension period, all probation terms are in full force and effect  
27 except those relating to actual nursing practice.


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DATED: 4-16-03

ENDORSEMENT

DATED: 4/28/03

  
THOMAS L. RINALDI  
Deputy Attorney General  
Attorneys for Complainant

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Attorneys for Complainant

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. 2003-114

JOMO KENYATTA ROBINSON  
2055 N. Central Avenue, #14E  
Highland, CA 92346

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this statement of issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about January 14, 2002, the Board of Registered Nursing, Department of Consumer Affairs received an application for a Registered Nurse License from Jomo Kenyatta Robinson (Respondent). On or about December 15, 2001, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on June 4, 2002.

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1 qualifications, functions, and duties of a registered nurse, in which event the record of the  
2 conviction shall be conclusive evidence thereof."

3 7. Section 2762 of the Code states, in pertinent part:

4 "In addition to other acts constituting unprofessional conduct within the meaning  
5 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed  
6 under this chapter to do any of the following:

7 . . . .

8 "(b) Use any controlled substance as defined in Division 10 (commencing with  
9 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
10 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
11 injurious to himself or herself, any other person, or the public or to the extent that such use  
12 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
13 license.

14 "(c) Be convicted of a criminal offense involving the prescription, consumption,  
15 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
16 section, or the possession of, or falsification of a record pertaining to, the substances described in  
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
18 thereof."

19 (FIRST CAUSE FOR DENIAL OF APPLICATION)

20 (Conviction of Substantially Related Crimes)

21 8. Respondent is subject to disciplinary action under Code section 2736 for  
22 violating sections 2761(f) and 480(a)(1) of the Code, on the grounds that Respondent was  
23 convicted of crimes substantially related to the qualifications, functions, or duties of a registered  
24 nurse. The circumstances are as follows:

25 a. On or about May 22, 2001, Respondent was convicted by the  
26 Court on a plea of guilty of one count of violating Vehicle Code section 23152(a) (driving under  
27 the influence of alcohol and/or drugs), a misdemeanor, in the Riverside Superior Court, Case No.  
28 RIM400996, entitled *The People of the State of California v. Jomo K. Robinson*. The

1 circumstances surrounding the conviction are that on or about September 18, 2000, Respondent  
2 was determined to be driving with a blood alcohol content of .08% or higher.

3 b. On or about January 21, 1998, Respondent was convicted by the  
4 Court on a plea of guilty of one count of violating Vehicle Code section 23152(a) (driving under  
5 the influence of alcohol and/or drugs), a misdemeanor, in the San Bernardino Superior Court,  
6 Case No. FVA08779, entitled *The People of the State of California v. Jomo K. Robinson*.

7 c. On or about October 31, 1995, Respondent was convicted by the  
8 Court on a plea of guilty of one count of violating Vehicle Code section 23152(a) (driving under  
9 the influence of alcohol and/or drugs), a misdemeanor, in the Riverside Superior Court, Case  
10 No. 330346, entitled *The People of the State of California v. Jomo K. Robinson*. The  
11 circumstances surrounding the conviction are that on or about September 17, 1995, Respondent  
12 was determined to be driving with a blood alcohol content of .08% or higher.

13 SECOND CAUSE FOR DENIAL OF APPLICATION

14 (Use of Alcoholic Beverage in Dangerous/Injurious Manner)

15 9. Respondent is subject to disciplinary action under Code section 2736 and  
16 2762(b) on the grounds of unprofessional conduct in that Respondent administered to himself  
17 alcoholic beverages to an extent or in a manner dangerous or injurious to himself, to any person,  
18 or to the public, as more fully set forth above in paragraphs 8(a), 8(b) and 8(c).

19 THIRD CAUSE FOR DENIAL OF APPLICATION

20 (Conviction of Crime as Grounds for Suspension or Revocation of License)

21 10. Respondent is subject to disciplinary action under Code section 2736 and  
22 2762(c) on the grounds of unprofessional conduct in that he was convicted of violating statutes  
23 regulating the use of alcohol, as more fully set forth above in paragraphs 8(a), 8(b), and 8(c).

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
26 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Denying the application of Jomo K. Robinson for a Registered Nurse  
28 License;



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2. Taking such other and further action as deemed necessary and proper.

DATED: 11/19/02

Ruth Ann Terry  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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